

Appl. No. 10/749,355
Response dated 25 July 2005
Reply to Office Action of 24 March 2005

body portion around the headstock and an end portion for attaching the cover to the body of the instrument. While Godin does disclose a case that covers the headstock, the tuning keys, the strings and the neck of the instrument, the portions that make up the case, the body and cover portions, the disclosed case also encloses all of the surfaces of the instrument held inside the case.

FIGS. 2 to 6 illustrate a case 20 made of two main parts, a generally concave body 22 provided with a peripheral edge 23 and a corresponding concave cover 24 provided with a peripheral edge 25 for covering the entire instrument. (Column 2, lines 62-65.) Applicant's invention, on the other hand, covers only certain distinct portions of an instrument placed within the invention. Godin makes no suggestion of using anything less than a cover for the entire instrument. Similarly, the straps shown in Godin and claimed in claim 12 attach to the securing assembly and encircle both the body and cover when the cover is in said closed position. The present invention does not have an open or closed position as Godin describes.

Rejection Under 35 U.S.C. §103

The examiner has also rejected claims 5-6 under 35 U.S.C. §103 as being unpatentable over Godin in view of Armstrong (U.S. Patent No. 6,135,277.) Applicant again respectfully disagrees because of the aforementioned reasons as well as because Armstrong also functions differently from Applicant's claimed subject matter.

While Armstrong discloses the use of a clear plastic cover, the cover is designed to cover the entire outer surface of the instrument. Armstrong's described invention also encloses the entire instrument so that it can be preserved. There is no suggestion in either Godin or Armstrong to provide a cover that covers only certain portions of an instrument. If the disclosed embodiments found in Armstrong (or in Godin) were changed to cover only certain portions of an instrument, those embodiments would fail to function as disclosed because all of the embodiments are made to protect all of the

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surfaces of an enclosed instrument rather than certain portions or sections of an instrument as disclosed and claimed in the present invention.

For the reasons pointed out above, the claims patentably distinguish over the references and any combination of them. Accordingly, the application is in condition for allowance and such action is respectfully solicited.

Should any issues remain unresolved, the Examiner is invited to telephone the undersigned attorney.

A Petition for Extension of Time with a deposit account authorization is attached as required by 37 CFR 1.136(a)(1) in connection with this Response. Please charge any deficit or credit any excess to my deposit account No. 50-3526.

Respectfully submitted,
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